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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,848	05/11/2001	Kenneth Arneson	20-487	5684
<div>7590 08/24/2007 MANELLI DENISON &amp; SELTER PLLC 7th Floor 2000 M Street, N.W. Washington, DC 20036-3307</div>			<div>EXAMINER BARQADLE, YASIN M</div>	
			<div>ART UNIT 2153</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/24/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/852,848

Applicant(s)

ARNESON ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7, 8 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-8, and 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

1. Applicant's arguments filed on June 01, 2007 have been considered and are not deemed persuasive.

- Claims 1-6 9-25 are cancelled.
- Claims 7, 26-28 and 30-32 are amended.
- Claims 7-8 and 26-33 are presented for examination.

### **Response to Arguments**

In essence the Applicant argues "Chack fails to teach function based on the absence of a transaction, or the use of call related information to retrieve and provide pre-designated information - without answering the call to the first telephone number" page 6, last paragraph. Examiner respectfully disagrees. Chack teaches call related information to retrieve pre-designated information in response to a call from a first device without a need to answering said call from said first device (col. 7, lines 61-65 and col. 8, lines 61-63). (Providing web page information to the telephone caller identified by the processing without answering the phone meets the argued

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limitation). In this way therefore no connection charges are incurred since no connection was established.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 26,28-30 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chack USPN. (6751211).

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As per claim 26, and 30 Chack teaches a method of retrieving information by a first device (Fig. 3, 60) from a second device (fig. 3, 68), comprising:

calling a first telephone number by said first device (col. 7, lines 61-63 a telephone caller initiates a call to a telephone number). See also col. 9, lines 43-46 and the abstract; using call related information to retrieve pre-designated information in response to said call from said first device without a need to answering said call from said first device (the transaction processing system provides a URL to the telephone caller without answering the call col. 7, lines 61-65 and col. 8, lines 61-63); and

transmitting retrieved pre-designated information to a second telephone number (col. 7, lines 61-65; col. 8, lines 61-63 and col. 9, lines 46-48).

As per claims 28 and 32 Chack teaches a method of retrieving information by a first device from a second device, further comprising:

determining said second telephone number from call related information associated with said call to said first telephone

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number by said first device [col.6, 11-18 and col. 8, lines 24-32].

As per claim 29 and 33, Chack teaches a method of retrieving information by a first device from a second device, wherein:

said caller related information is caller ID [col.6, 11-18 and col. 8, lines 24-32].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack USPN. (6751211) in view of Pepe et al USPN (5742668).

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Regarding claims 27 and 31, although Chack shows substantial features of the claimed invention including transmitting retrieved pre-designated information to a telephone number as explained in claims 26 and 30 above, he does not explicitly show transmitting means in a short message.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Chack, as evidenced by Pepe (5742668).

In analogous art, Pepe et al whose invention is about a network which provides a variety of electronic text delivery, receipt, and notification options system, disclose a means of transmitting short message to SMS capable devices (col. 5, lines 22-30 and col. 21, lines 40-52]. Giving the teaching of Pepe et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Chack by employing the system of Pepe et al in order to limit the messages sent to the wireless messaging equipment of mobile employee and to receive only urgent messages when a mobile employee away from his office.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack USPN. (6751211) in view of Pepe et al USPN (5742668).

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As per claim 7, Pepe et al teach the method of providing electronic mail notification to a communications device, comprising:

associating an email with a first phone number (the number called by the subscriber) calling said first phone number from a communications device (subscriber portable device 32) [col. 21, 15-67]; and using call related information to identify (col. 6, lines 47-65 and col. 21, lines 60-67] and provide said email to said communications device after said communications device calls said first phone number [col. 7, lines 30-46 and col. 21, lines 18-67].

Although Pepe et al shows substantial features of the claimed invention, he does not explicitly show transmitting information to a device without answering a call.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al, as evidenced Chack USPN. (6751211).

In analogous art, Chack disclose whose invention is about a method for communicating information, disclose a transaction processing system that provides a URL to a telephone caller without answering the call (col. 7, lines 61-65 and col. 8, lines 61-63). Giving the teaching of Chack, a person of ordinary



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skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al by employing the method providing information to a telephone caller without answering the call of Chack. One ordinary skill in the art would do so because the transaction processing system does not answer the incoming call therefore no connection charges are incurred since no connection was established.

As per claim 8, Pepe et al teach the method of providing electronic mail notification to a communications device according to claim 7, further comprising:

obtaining a communications device identifier when said communications device dials said first phone number, and using said communications device identifier to select said electronic mail message [col. 14, lines 46-63 and col. 21, 40-65].

#### **Conclusion**

**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this

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action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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